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IN THE CIRCUIT COURT
OF THE TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,

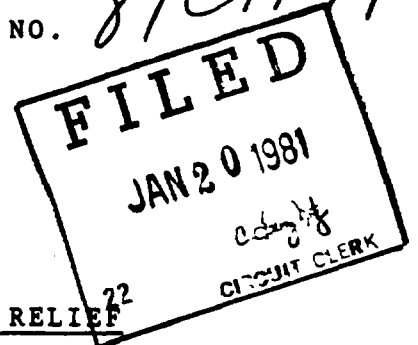
Plaintiff,

-vs-

PAUL SAUGET, individually and
SAUGET AND COMPANY, a Delaware
corporation,

Defendant.

NO. 81CH19



COMPLAINT FOR INJUNCTION AND OTHER RELIEF

NOW COMES Plaintiff, PEOPLE OF THE STATE OF ILLINOIS,
by Tyrone C. Fahner, Attorney General of the State of Illinois,
and complains of PAUL SAUGET individually, and SAUGET AND
COMPANY, a Delaware corporation, as follows:

COUNT I

1. This Complaint is brought by way of the statutory power of the Attorney General to file a civil action to enjoin violations of an Order entered by the Illinois Pollution Control Board (hereafter referenced the "Board"), pursuant to Section 33(d) and 42(d) of the Illinois Environmental Protection Act, Ill. Rev. Stat., 1979, ch. 111 1/2, pars. 1033(d) and 1042(d) (hereafter referenced the "Act") and to recover penalties.

2. This Complaint is brought at the request of the Illinois Environmental Protection Agency.

3. This Complaint is also brought pursuant to the terms and provisions of Section 42(a) of the Act, Ill. Rev. Stat., 1979, ch. 111 1/2, par. 1042(a), which states:

"a. Any person that violates any provisions of this Act or any regulation adopted by the Board or any permit or term or condition thereof, or that violates any determination or Order of the Board pursuant to this Act, shall be liable to a civil penalty of not to exceed \$10,00 for said violation and an additional civil penalty of not to exceed \$1,000 for each day during which violation continues;" (emphasis added).

4. The Defendant, Paul Sauget, is an officer and principal owner of Sauget and Company, a Delaware corporation.

5. The Defendant, Sauget and Company, is a corporation organized under the laws of the State of Delaware and until November 15, 1973 was authorized to do business in Illinois.

6. On November 15, 1973 the Secretary of State of the State of Illinois revoked the authority of Sauget and Company to transact business in the State of Illinois.

7. Prior to April 26, 1977, the Defendants Paul Sauget and Sauget and Company, operated a refuse disposal site of approximately 35 acres located in Township 2 North, Range 10 West of the Third Principal Meridian, Centerville Township, St. Clair County, Illinois. (hereinafter the "site") Said refuse disposal site consists of two (2) parts which are separated by the right-of-way of the Alton and Southern Railroad. The part of the refuse disposal site North of the Railroad is bounded on the South by the Railroad; on the West by a line parallel to, and approximately 300 feet easterly of the Mississippi River; on the North by Riverview Avenue, and on the West by the Levee; all excluding the landfill of Monsanto Company and the fly-ash pond of Union Electric Company.

The part of the refuse disposal site South of the Railroad is bounded on the North by the Railroad; on the East by the Levee; on the South by Redhouse Road; and on the West by a road which is generally parallel to, and 1200 feet East of the Mississippi River; all excluding an area at the Southeastern most corner of such part, which area has an approximate width (measured perpendicularly to the Levee) of 500 feet, and an approximate length (measured parallel to the Levee) of 1200 feet.

8. The Board is empowered to hear complaints charging violations of the Act and of the Board's Rules and Regulations pursuant to Section 5(d) and Section 33 of the Act, Ill. Rev. Stat., 1979, ch. 111 1/2, pars. 1005(d) and 1033.

9. The Attorney General filed a Complaint with the Board, on behalf of the Illinois Environmental Protection Agency (hereafter referenced the "Agency") on March 16,

1977, and filed an Amended Complaint on August 5, 1977 alleging that the Defendants had committed certain violations of the Act and the Board's Rules and Regulations at the site (PCB #77-84), including, but not limited to, allegations that Defendants failed to place a compacted layer of at least two feet of suitable material over the entire portion of the refuse disposal site operated by them.

10. The Board after a hearing and deliberations on the Amended Complaint referred to in Paragraph #9 found the Defendants to have caused the violations set forth in the Opinion and Order of the Board duly entered on August 24, 1978. A copy of that Opinion and Order is attached hereto as Exhibit A and is incorporated by reference herein.

11. The Opinion and Order of the Board (Exhibit A) states as follows:

1. Paul Sauget and Sauget and Company are found to be in violation of Rule 5.07(b) of the Public Health Regulations and Section 21(b) of the Act. The remaining allegations are dismissed.
2. Respondents shall comply with all the provisions of the stipulation incorporated by reference as if fully set forth herein. Respondents shall file a performance bond with the Agency in the amount of \$125,000. Respondents shall jointly and severally pay a penalty of \$5,000 pursuant to the terms of the stipulated agreement."

12. Rule 5.07(b) of the Illinois Department of Public Health Rules and Regulations for refuse disposal sites provided as follows:

"5.07. COVER. Cover material shall be of such quality as to prevent fly and rodent attraction and breeding, blowing litter, release of odors, fire hazards, and unsightly appearance, and which will permit only minimal percolation of surface water when properly compacted. Cover shall be applied as follows:

- (b) Final Cover. A compacted layer of at least two (2) feet of material

in addition to the daily cover shall be placed over the entire surface of of all completed portions of the fill within six (6) months following the final placement of refuse. Final cover shall be graded as provided on the approved plan and to prevent ponding. The surface of the final cover shall be maintained at the plan elevation at all times, by the placement of additional cover material where necessary.

13. That pursuant to the stipulation (which is attached hereto as Exhibit B and is incorporated herein by reference) incorporated by the Board Order in PCB 77-84 the Defendants were required to have placed final cover material over 20% of the site during each six (6) month period after the date upon which the Board entered the Order approving the settlement stipulation. As of August 24, 1980, (24 months from the date of the Board Order) 80% of the site should have had final cover applied.

14. That as of the date of filing of this Complaint Defendant has not complied with said Opinion and Order of the Board in that Defendants have failed to apply final cover material over at least 80% of the site.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays:

1. That the Court enter a permanent injunction against the Defendants which require and order the Defendants to cover the site in compliance with the Order of the Board.

2. That the Court impose a civil penalty against each of the Defendants in the amount of \$10,000 plus \$1,000 per day for each day the Defendants have failed to comply with the Order of the Board entered August 24, 1978.

3. That the Court tax and assess all costs of this proceeding against the Defendants.

4. That the Court grant the Plaintiff any other relief it deems appropriate.

COUNT II

1-11. Complainant realleges and incorporates by

reference paragraphs 1-11 of Count 1 as paragraphs 1-11 of this Count II.

12. As provided in the Opinion and Order of the Illinois Pollution Control Board PCB #77-84 attached hereto as Exhibit A, the Defendants were required to file a performance bond with the Agency in the penal amount of \$125,000.

13. That as of the date of the filing of this Complaint the Defendants have not filed with the Agency the aforementioned bond in the penal amount of \$125,000, and, therefore, the Defendants have violated the Opinion and Order of the Illinois Pollution Control Board in PCB #77-84 entered on August 24, 1978.

WHEREFORE, the PEOPLE OF THE STATE OF ILLINOIS, prays:

1. That the Court enter a permanent injunction against the Defendants which require and order them to file a performance bond with the Agency in the penal amount of \$125,000.


2. That the Court impose a civil penalty against each of the Defendants in the amount of \$10,000 plus \$1,000 for each day the Defendants have failed to comply with the Order of the Board entered August 24, 1978.

3. That the Court tax and assess all costs of this proceeding against the Defendants.

4. That the Court grant to the Plaintiff any other relief it deems appropriate.

ENVIRONMENTAL PROTECTION AGENCY,

BY:


TYRONE C. FAHNER
ATTORNEY GENERAL

OF COUNSEL:

Vincent W. Moreth
Assistant Attorney General
500 South Second Street
Springfield, IL 62706
(217) 782-9031

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT OF ILLINOIS
COUNTY OF ST. CLAIR

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
-vs-) No. 81-CH-19
)
PAUL SAUGET, etc., et al.,)
)
Defendants.)

DEFENDANTS' ANSWERS TO WRITTEN
INTERROGATORIES PROPOUNDED BY PLAINTIFF

PAUL SAUGET, individually and as the President of SAUGET & COMPANY, a Delaware corporation, makes the following answers to the written interrogatories propounded to the Defendants by the Plaintiff:

QUALIFICATION TO THE FOLLOWING ANSWERS:

The refuge disposal site operated by the corporate Defendant prior to 1974 consisted of two (2) parts which were and are separated by the right-of-way of the ALTON & SOUTHERN RAILROAD COMPANY.

The Defendants are informed and verily believe that:

a. Since 1973, RIVER PORT FLEETING, INC., has owned the part of the former site lying northerly of the RAILROAD right-of-way; and

b. Since 1972, EAGLE MARINE INDUSTRIES, INC., has owned the part of the former site lying southerly of the RAILROAD right-of-way.

The Defendants believe that, prior to the 1973 flood, the part of the former site lying southerly of the RAILROAD right-of-way had been sufficient and properly covered and they further believe that, although such fact does not appear in any of the documents in Illinois EPA, Complainant, v. Sauget, et al., (PCB 77-84), they were not or are not required to place any more cover on that southerly part of the former site.

The following Answers are, therefore, limited to that part of the former site lying northerly of the RAILROAD right-of-way.

INTERROGATORY NO. 1: State the name, address and title of any person or persons responsible for the day to day operation of the aforementioned refuse disposal site.

ANSWER:

The northerly part of the former refuse disposal site has not been used by either Defendant as a refuse disposal site at any time since August, 1978.

Insofar as the Defendants know, no person, firm or corporation whatever has operated a refuse disposal site upon either part of the former refuse disposal site property since August, 1978, although they do know from observation that unknown parties have randomly dumped some debris thereon.

These Defendants are informed and verily believe that RIVER PORT FLEETING, INC., leased the northerly 84.225 acres of the northerly part of the former refuse disposal site in September, 1977 to THE PILLSBURY COMPANY. In addition, THE PILLSBURY COMPANY was granted rights to construct railroad rights-of-way over the southerly part of the northerly part of the former refuse disposal site.

RIVER PORT FLEETING, INC., has granted the Defendants permission to apply cover to the northerly part of the former site not leased by THE PILLSBURY COMPANY, but otherwise the Defendants are not in possession or control of any part of the former site.

INTERROGATORY NO. 2: State whether or not access to the site has ever been restricted.

a. If the answer to the aforementioned question is in the affirmative please specify exactly when access was restricted.

b. Please specify what employee or employees or any person contracted by Sauget and Company were refused access.

c. State who refused them access.

d. State whether or not the Illinois Environmental Protection Agency was ever contacted and informed that any employees or persons contracted by Sauget and Company were denied access to the aforementioned site.

e. If the Illinois Environmental Protection Agency was contacted, by what media (phone, letter, in person).

f. Please state the name or names of the persons at the Illinois Environmental Protection Agency who were contacted and told that access to the site was being restricted.

ANSWER:

a. Access to so much of the northerly part of the property as is leased by THE PILLSBURY COMPANY is restricted by a fence and gate, although the Defendants' use of the gate has not been denied.

Access to so much of the northerly part of the property as is south of that leased by THE PILLSBURY COMPANY is restricted by PILLSBURY'S property; by the River; by the levee; and by railroad rights-of-way. However, the Defendants have been able to use the levee for access, although such use may be improper or illegal.

Since the summer of 1980, THE PILLSBURY COMPANY has constructed two (2) new railroad rights-of-way on the part of the property southerly of that leased by it, limiting the Defendants ability to traverse that part of the property.

b. See "a" above.

c. See "a" above.

d. No.

e Not applicable.

f. Not applicable.

INTERROGATORY NO. 3: Please specify what type of earth moving equipment is owned or leased by Sauget and Company.

ANSWER:

The corporate Defendant owns three (3) bulldozers and one (1) end-loader.

INTERROGATORY NO. 4: Please state whether or not this equipment is in good working order.

ANSWER:

One (1) of the bulldozers is not operable.

The end-loader is presently under repair.

Otherwise, said equipment is in good working order.

INTERROGATORY NO. 11: State what steps were taken by the Defendant to alleviate the alleged interference.

ANSWER:

The Defendants have used the levee for access to the part of the property not leased by THE PILLSBURY COMPANY, but still can not completely traverse across it because of PILLSBURY'S new railroad rights-of-way.

INTERROGATORY NO. 12: State who caused each and every act of interference - i.e., whether it was the owner(s) or tenants - be specific.

ANSWER:

See 7 above.

INTERROGATORY NO. 13: State if the Illinois Environmental Protection Agency was ever contacted or informed about the alleged interference.

(a) If the Illinois Environmental Protection Agency was informed, state who was contacted, and by what media (phone, letter, in person).

ANSWER:

No.



INTERROGATORY NO. 5: Please state the name of the employee or employees who operate the aforementioned equipment.

ANSWER:

The earth moving equipment of the corporate Defendant is operated by BOB DAILEY, ROGER THORNTON and RICHARD TICER.

INTERROGATORY NO. 6: State where cover material has been and/or is presently being purchased.

ANSWER:

Since August, 1978, the Defendants have been acquiring cover from a site south of RED HOUSE ROAD owned by EAGLE MARINE INDUSTRIES, INC. Approximately 200 truck loads (12 tons per load) of cover have been placed by the Defendants on the northerly part of the former refuge disposal site excepting that part thereof leased to THE PILLSBURY COMPANY.

INTERROGATORY NO. 7: Specifically describe the interference encountered at the site that prevented Defendants from applying cover in accordance with the Board Order and Stipulation.

ANSWER:

The lease to THE PILLSBURY COMPANY and the improvements made by it, both on the leased part of the property and on the non-leased part, and the limited access.

INTERROGATORY NO. 8: State the name or names of the individuals who caused Defendant or any of his employees interference in applying cover material at the site.

ANSWER:

See 7 above.

INTERROGATORY NO. 9: State the name and address of any individual who encountered interference at the site.

ANSWER:

See 7 above.

INTERROGATORY NO. 10: If there was more than one act of interference, state the duration of each act - (date and time).

ANSWER:

Not applicable.

Respectfully submitted,



PAUL SAUGET

STATE OF ILLINOIS)
) SS.
COUNTY OF ST. CLAIR)

PAUL SAUGET, of lawful age, having been first duly sworn on his oath, says that he has read and examined the above and foregoing Answers by him subscribed and that said Answers are true and correct to the best of his knowledge, information and belief.


PAUL SAUGET

SUBSCRIBED AND SWORN TO Before me this 13th day of November, 1981.


NOTARY PUBLIC

My Commission Expires On:

8-30-84

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing pleading was served upon:

Mr. Vincent W. Moreth
Assistant Attorney General
Environmental Control Division
Southern Region
500 South Second Street
Springfield, Illinois 62706

by depositing the same in the United States Mail in Belleville,
Illinois in an envelope properly addressed as hereinbefore stated
and with postage prepaid sufficient to insure its delivery, all
on this 13th day of November, 1981.



Attorney for Defendants

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT OF ILLINOIS
ST. CLAIR COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Plaintiff,)
)
 v.) 81 CH 19
)
PAUL SAUGET, etc., et al.,)
)
 Defendants.)

ANSWER

As its Answer to the Complaint filed herein, PAUL SAUGET and SAUGET AND COMPANY, the Defendants, say:

Count I

As their Answer to Count I of the Complaint, the Defendants say:

1-3. They do not have sufficient knowledge to form a belief as to the allegations made in ¶¶'s 1, 2 and 3 of Count I.

4-6. They admit the allegations made in ¶¶'s 4, 5 and 6 of Count I.

7. Answering the allegations made in ¶7 of Count I, they deny that said refuse disposal site was operated to and including April 26, 1977 and aver that its operation ceased in 1973. They admit all other allegations made in ¶7.

8-12. They admit the allegations made in ¶¶'s 8 to 12, both inclusive of Count I.

13. They deny the allegations made in ¶13 of Count I. Further answering said allegations, they say:


a. the area between the 1966 operating face and the 1971 operating face was fully and completely covered, as provided in ¶D of the Stipulation, within 6 months of the Board's Order entered August 24, 1978;

b. 60% of the area south of the 1971 operating face was covered before August 24, 1980;

c. an additional 20% of the area south of the 1971 operating face should have been covered on or before August 24, 1980, but the Defendants were unable to do so because of the unavailability of suitable cover due to the construction of Interstate 270(255) and because of interference by the owner(s) and tenants of the premises.

14. They deny the allegations made in ¶14 of Count I.

15. They deny that the Plaintiff is entitled to the relief prayed, or any relief, against these Defendants.


HAROLD G. BAKER, JR.
56 South 65th Street
Belleville, Illinois 62223
(618) 397-6444
ATTORNEY FOR DEFENDANTS

Count II

As their Answer to Count II of the Complaint, the Defendants say:

1-3. They do not have sufficient knowledge to form a belief as to allegations made in ¶¶'s 1, 2 and 3 of Count II.

4-6. They admit the allegations made in ¶¶'s 4, 5 and 6 of Count II.

7. Answering the allegations made in ¶7 of Count II, they deny that said refuse disposal site was operated to and including April 26, 1977 and aver that its operation ceased in 1973. They admit all other allegations made in said ¶7.

8-11. They admit the allegations made in ¶¶'s 8 to 11, both inclusive, of Count II.

12. They admit the allegations made in ¶12 of Count II.

13. Answering the provisions of ¶13 of Count II, they admit they have not filed the performance bond. They deny all other allegations made in said ¶13. Further answering the same, they aver:


a. such failure was unintentional and an oversight;

b. although employees of the Attorney General and the Illinois Environmental Protection Agency were in communication with the Defendants and their attorney after August 24, 1978, they did not remind the Defendants of their obligation to post such bond; and

c. until this proceeding was filed, neither the Attorney General nor the Illinois Environmental Protection Agency made

any demand upon the Defendants for such bond.

14. They deny that the Plaintiff is entitled to the relief prayed, or any relief, against these Defendants.



HAROLD G. BAKER, JR.
56 South 65th Street
Belleville, Illinois 62223
(618) 397-6444
ATTORNEY FOR DEFENDANTS

STATE OF ILLINOIS)
) SS
COUNTY OF ST. CLAIR)

HAROLD G. BAKER, JR., of lawful age, having been first duly sworn on his oath, says that he is the attorney for the Defendants and, as such, is duly authorized to make this Affidavit on their behalf; that he has read and examined the above and foregoing Answer by him subscribed; and that the matters and facts set forth therein (including the allegations about lack of knowledge sufficient to form a belief) are true and correct to the best of his knowledge, information and belief.



HAROLD G. BAKER, JR.

Subscribed and sworn to before me this 2nd day of March, 1981.



NOTARY PUBLIC

CERTIFICATE OF SERVICE

A true, correct and complete copy of the above and foregoing Answer was served by depositing same in an envelope addressed to Mr. Vincent Moreth, 500 South Second Street, Springfield, Illinois 62706 with proper postage prepaid in the United States mail in Belleville, Illinois on the 2nd day of March, 1981.



ATTORNEY FOR DEFENDANTS

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT

ST. CLAIR COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

v.

NO. 81CH19

PAUL SAUGET, individually, and SAUGET AND
COMPANY, a Delaware corporation,

Defendant.

SUMMONS

To the defendant: **Sauget & Company, 2902 Monsanto Ave., Sauget, IL**

YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance,
in the office of the clerk of this court in the St. Clair County Courthouse, Belleville
(Insert name of building, room number, address, including city)

Illinois, within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO
DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE
RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other persons to whom it was given for service, with in-
dorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall
be returned so indorsed. This summons may not be served later than 30 days after its date.

WITNESS, Jan 21, 1981

C. EARNST METZ
CIRCUIT CLERK

Clerk of court

Linda Hannah
Associate Circuit Clerk—Deputy

(Seal of court)

Name **Vincent Moreath**
Attorney for **Plaintiff**
Address **500 South Second St.**
City **Springfield, IL 62706**
Telephone **(217) 782-9031**

Date of service: Jan 27, 1981
(To be inserted by officer on copy left with defendant or other person)

SHERIFF'S FEES

Service and return \$ _____
Miles _____
Total \$ _____

Sheriff of _____ County

I certify that I served this summons on defendants as follows:

(a)—(Individual defendants—personal):

By leaving a copy and a copy of the complaint with each individual defendant personally, as follows:

Name of defendant	Date of service
_____	_____
_____	_____
_____	_____
_____	_____

(b)—(Individual defendants—abode):

By leaving a copy and a copy of the complaint at the usual place of abode of each individual defendant with a person of his family, of the age of 10 years or upwards, informing that person of the contents of the summons, and also by sending a copy of the summons and of the complaint in a sealed envelope with postage fully prepaid, addressed to each individual defendant at his usual place of abode, as follows:

Name of defendant	Person with whom left	Date of service	Date of mailing
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(c)—(Corporation defendants):

By leaving a copy and a copy of the complaint with the registered agent, officer or agent of each defendant corporation, as follows:

Defendant corporation	Registered agent, officer or agent	Date of service
_____	_____	_____
_____	_____	_____
_____	_____	_____

(d)—(Other service):

_____, Sheriff of _____ County

By _____, Deputy